IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

EMG TECHNOLOGY, LLC, Plaintiff,

v.

APPLE INC.,
AMERICAN AIRLINES, INC.,
BLOOMBERG, L.P.,
CONTINENTAL AIRLINES, INC.,
UNITED PARCEL SERVICE, INC.,
Defendants.

Case No. 6:08-cv-447-LED

JURY TRIAL DEMANDED

JOINT MOTION TO EXTEND THE TIME TO FILE PROPOSED DOCKET CONTROL AND DISCOVERY ORDERS

The parties respectfully request that the Court extend the deadline for the filing of proposed docket control and discovery orders from July 6, 2009, to July 13, 2009. The parties request this extension as they continue negotiate on the terms of the proposed orders.

Dated: July 6, 2009

OF COUNSEL:

Jeffer, Mangels, Butler and Marmaro, LLP

Stanley M. Gibson (Cal. Bar No. 162329) smg@jmbm.com

Joshua S. Hodas, Ph.D. (Cal. Bar No. 250812) jsh@jmbm.com

1900 Avenue of the Stars, Seventh Floor

Los Angeles, CA 90067 Telephone: (310) 203-8080 Facsimile: (310) 203-0567 Respectfully Submitted,

By: /s/ Charles Ainsworth

Charles Ainsworth
State Bar No. 00783521
Robert Christopher Bunt
State Bar No. 00787165
PARKER, BUNT & AINSWORTH, P.C. 100 E. Ferguson, Suite 1114
Tyler, TX 75702
903/531-3535
903/533-9687
E-mail: charley@phatyler.com

E-mail: charley@pbatyler.com
E-mail: rcbunt@pbatyler.com

ATTORNEYS FOR PLAINTIFF, EMG TECHNOLOGY, LLC

Manatt, Phelps & Phillips, LLP

Robert D. Becker (Cal. Bar No. 160648) rbecker@manatt.com

Shawn G. Hansen (Cal. Bar No. 197033) shansen@manatt.com

1001 Page Mill Road, Building 2

Palo Alto, CA 94304

Telephone: (650) 812-1300 Facsimile: (650) 213-0260

By: /s/ John R. Lane with permission by

Charles Ainsworth

David J. Healey (09327980)

Lead Attorney

Garland T. Stephens (24053910)

John R. Lane (24057958)

Fish & Richardson P.C.

1221 McKinney Street

Suite 2800

Houston, TX 77010

713-652-0115

Fax: 713-652-0109

healey@fr.com

stephens@fr.com

ilane@fr.com

COUNSEL FOR DEFENDANT, APPLE INC.

By: /s/ Elizabeth L. DeRieux with permission by Charles Ainsworth

Elizabeth L. DeRieux

State Bar No. 05770585

S. Calvin Capshaw

State Bar No. 03783900

N. Claire Abernathy

State Bar No. 24053063

D. Jeffrey Rambin

State Bar No. 00791478

CAPSHAWDERIEUX L.L.P.

1127 Judson Road, Suite 220

P.O. Box 3999 (75606-3999)

Longview, Texas 75601-5157

(903) 236-9800 Phone

(903) 236-8787 Fax

E-mail: ederieux@capshawlaw.com

E-mail: ccapshaw@capshawlaw.com

E-mail: chenry@capshawlaw.com

E-mail: jrambin@capshawlaw.com

NIXON PEABODY LLP

Robert E. Krebs

Ronald F. Lopez

Christopher L. Ogden

Sushila Chanana

ATTORNEYS FOR DEFENDANT, AMERICAN AIRLINES, INC.

By: /s/ Elizabeth L. DeRieux with permission by Charles Ainsworth

Elizabeth L. DeRieux
State Bar No. 05770585
S. Calvin Capshaw
State Bar No. 03783900
N. Claire Abernathy
State Bar No. 24053063
D. Jeffrey Rambin
State Bar No. 00791478
CAPSHAW DERIEUX L.L.P.
1127 Judson Road, Suite 220
P.O. Box 3999 (75606-3999)
Longview, Texas 75601-5157
(903) 236-9800 Phone
(903) 236-8787 Fax

E-mail: ederieux@capshawlaw.com E-mail: ccapshaw@capshawlaw.com E-mail: chenry@capshawlaw.com E-mail: jrambin@capshawlaw.com

Of Counsel
John M. DiMatteo
j dimatteo@willkie.com
Kelsey I. Nix
knix@willkie.com
WILLKIE FARR & GALLAGHER LLP
787 Seventh Avenue
New York, NY 10019
(212) 728-8000 Phone
(212) 728-8111 Fax

ATTORNEYS FOR DEFENDANT BLOOMBERG, L.P.

Jason W. Cook
Texas Bar No. 24028537
jason.cook@alston.com
ALSTON & BIRD LLP
Chase Tower
2200 Ross Avenue, Suite 3601
Dallas, TX 75201
Tel: 214.922.3407

Fax: 214.922.3899

By: <u>/s/ Jeffrey A. Andrews with permission by</u> Charles Ainsworth

Robert J. McAughan, Jr.
Texas Bar No. 00786096
bmcaughan@lockelord.com
Steven Boyd
Texas Bar No. 24001775
sboyd@lockelord.com
Jeffrey A. Andrews
Texas Bar No. 24050227
jandrews@lockelord.com
LOCKE LIDDELL &BISSELL AND
LIDDELL LLP
600 Travis Street, Suite 3400
Houston, Texas 77002
Telephone: (713) 226-1200
Facsimile: (713) 223-3717

ATTORNEYS FOR DEFENDANT CONTINENTAL AIRLINES, INC.

By: /s/ Robert L. Lee with permission by

<u>Charles Ainsworth</u>

Patrick J. Flinn

Lead Attorney

Georgia Bar No. 264540

patrick.flinn@alston.com

Robert L. Lee

Georgia Bar No. 443978

bob.lee@alston.com

Siraj M. Abhyankar

Georgia Bar No. 484680

shri.abhyankar@alston.com

Jennifer R. Liotta

Georgia Bar No. 109528

jennifer.liotta@alston.com

ALSTON & BIRD LLP

1201 West Peachtree Street

Atlanta, GA 30309-3424

Tel: 404.881.7000 Fax: 404.881.7777

Counsel for Defendant and Counterclaim Plaintiff

UNITED PARCEL SERVICE, INC.

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record, who are deemed to have consented to electronic service, are being served this 6th day of July, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Charles Ainsworth

CHARLES AINSWORTH